

**Hearing Date:** Sept. 14, 2022  
**Hearing Time:** 10:00 AM  
**Opposition Date:** June 17, 2022  
**Reply Date:** July 29, 2022

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES, LLC,

Defendant.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC,

Plaintiff,

v.

UBS AG, et al.,

Defendants.

Adv. Pro. No. 10-04285 (CMG)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Defendant Theodore Dumbauld shall move this Court, before the Honorable Cecelia G. Morris, United States Bankruptcy Judge, at the United States Bankruptcy Court, Southern District of New York, Alexander Hamilton Customs House, Courtroom 621, One Bowling Green, New York, New York, 10004-1408, on a date and at a time to be designated by the Court, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable hereto and incorporated into the above-captioned adversary proceeding by Rule 7012 of the Federal Rules of Bankruptcy Procedure, dismissing with prejudice Count VII of the Second Amended

Complaint against Mr. Dumbauld and for such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order entered in this proceeding on January 20, 2022 (Dkt. No. 272), the Trustee shall file any opposition to this motion by **June 17, 2022** and Mr. Dumbauld shall file any reply by **July 29, 2022**.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Mr. Dumbauld does not consent to the entry of final orders or judgment by this Court.

Dated: April 22, 2022  
New York, New York

SHER TREMONTE LLP

By: /s/ Robert Knuts  
Robert Knuts  
Cathy Liu  
90 Broad Street, 23rd Floor  
New York, New York 10004  
Tel: 212.202.2638  
Email: rknuts@shertremonte.com

*Attorneys for Defendant Theodore Dumbauld*